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**Fax Cover Sheet**Date: 8/8/06

TO: PTO  
COMPANY: ~~PTO~~

FAX NO: 571 273 8300

FROM: Jack J. Vultaggio, Jr.

PHONE NO: 508.337.6693

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NO OF PAGES: 5 (Including coverpage)MEMO: PATENT Application # 10/800,608Documents to follow:① Petition for Revival of an Application  
for Patent ABANDONED  
w/ ATTACHMENT② Credit Card Payment Form**Confidentiality Note:**

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Document2

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PTO/SB/61 (07-06)

Approved for use through 09/30/2006. OMB 0851-0031

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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<b>PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)</b>		Docket Number (Optional)
First Named Inventor: <b>STEPHEN T. CARNEY</b> Application Number: <b>10/800,608</b> Filed: <b>3/15/2004</b> Title: <b>NUTRITIONAL SUPPLEMENTS - ALFALFA SPROUTS POWDER</b>		Art Unit: <b>1619</b> Examiner: <b>LEITH, PATRICIA. A</b>
Attention: Office of Petitions Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450		
NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.		
The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.		
<b>APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION.</b> NOTE: A grantable petition requires the following items: (1) Petition fee. (2) Reply and/or issue fee. (3) Terminal disclaimer with disclaimer fee-required for all utility and plant applications filed before June 8, 1995, and for all design applications; and (4) Adequate showing of the cause of unavoidable delay.		
1. Petition fee <input checked="" type="checkbox"/> Small entity - fee \$ <u>250.00</u> (37 CFR 1.17(l)). Applicant claims small entity status. See 37 CFR 1.27. <input type="checkbox"/> Other than small entity - fee \$ _____ (37 CFR 1.17(l)).		
2. Reply and/or fee A The reply and/or fee to the above-noted Office action in the form of <u>Amendment</u> (identify the type of reply): <input checked="" type="checkbox"/> has been filed previously on <u>4/27/2006 AND 7/28/06</u> <input type="checkbox"/> is enclosed herewith. B The issue fee of \$ <u>N/A</u> <input type="checkbox"/> has been filed previously on _____ <input type="checkbox"/> is enclosed herewith.		

[Page 1 of 3]

This collection of information is required by 37 CFR 1.137(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/61 (07-06)

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

## 3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.

**WARNING:**

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Stephen T. Carney  
Signature

8/3/2006  
Date

STEPHEN T. CARNEY  
Typed or printed name

Registration Number, if applicable

191 Spring Road  
Address  
NORTH KINGSTON, RI 02852  
Address

401 886 7600  
Telephone Number

- Enclosure ☒ Fee Payment
- ☐ Reply
- ☐ Terminal Disclaimer Form
- ☒ Additional sheets containing statements establishing unavoidable delay
- ☐ \_\_\_\_\_

**CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))**

I hereby certify that this correspondence is being:

- ☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to **Mail Stop Petition**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
- ☒ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

8/8/06  
Date

Stephen T. Carney  
Signature

Stephen T. Carney  
Typed or printed name of person signing certificate

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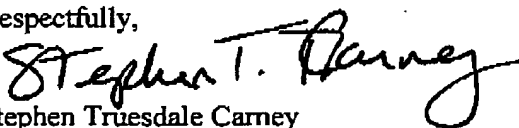
Appl. No. : 10/800,608  
Applicant : Stephen Truesdale Carney  
Filed : March 15, 2004  
TC/A.U. : 1655  
Examiner : Patricia A. Leith

Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

**Petition for Revival of an Application for Patent Abandoned  
Unavoidably under 37 CFR 1.137(a)**

Paragraph 4 of Petition: The please note that applicant did respond in a timely fashion electronically with the PTO but said electronic filing was never received. Hence the application was abandoned unavoidably. I was unaware that the examiner had not received my Application amendment as per our telephone conference during the month of February. I have since sent to Ms. Leith said Amendment and supporting Affidavit via United States Post Office Express Mail system

Respectfully,

  
Stephen Truesdale Carney